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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 JOHN P. GARZA,

12 Plaintiff,

13 v.

14 BG RETAIL LLC,

15 Defendant.  
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Case No. 1:22-cv-01051-JLT-CDB

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE**

(ECF No. 16)

17 On August 22, 2022, after Plaintiff's filing of the instant action, the Clerk of Court directed  
18 Plaintiff's Attorney Kevin M. Badkoubehi to seek admission to the Eastern District of California.  
19 (ECF No. 6). Ten weeks passed and Attorney Badkoubehi failed to comply with the Clerk's  
20 direction.

21 On November 8, 2022, Attorney Badkoubehi was ordered to show cause in writing why he  
22 should not be sanctioned for failing to register for admission to this Court. (ECF No. 15). On  
23 November 15, 2022, Attorney Badkoubehi filed a Declaration in response to the order to show  
24 cause in which he attested that he overlooked the Clerk of Court's notice and otherwise was not  
25 aware that he was required to seek admission to the Eastern District of California. (ECF No. 16).  
26 Attorney Badkoubehi now has properly sought and gained admission to the Eastern District of  
27 California.

28 To determine whether neglect is excusable, a court must consider four factors: "(1) the

1 danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on the  
2 proceedings; (3) the reason for the delay; and (4) whether the movant acted in good faith.” *In re*  
3 *Veritas Software Corp. Sec. Litig.*, 496 F.3d 962, 973 (9th Cir. 2007).

4 The Court has considered the *Veritas* factors in light of Attorney Badkoubehi’s  
5 representations in his Declaration and finds that Attorney Badkoubehi’s failure to timely register  
6 for court admission constitutes excusable neglect. Accordingly, the Court finds good cause to  
7 discharge the order to show cause, and IT IS HEREBY ORDERED that the Court’s November 8,  
8 2022, order to show cause (ECF No. 15) is DISCHARGED.

9 IT IS SO ORDERED.

10 Dated: November 16, 2022

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13 UNITED STATES MAGISTRATE JUDGE  
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